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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

MELISSA BASTIAN,

Plaintiff,

- against -

NEW YORK CITY DEPARTMENT OF EDUCATION,

Defendant.

CV No.: 13-CV-5792

-----x

1461 Franklin Avenue
Garden City, New York

September 3, 2014
10:04 a.m.

Deposition of the Defendant, by GILBERTO
GARCIA, pursuant to Notice, before Florence
Syskrot, a Notary Public of the State of New
York.

SANDY SAUNDERS REPORTING
254 South Main Street, Suite 216
New City, New York 10956
(845) 634-7561

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A P P E A R A N C E S:

LAW OFFICE OF STEVEN A. MORELLI, P.C.

Attorneys for Plaintiff

1461 Franklin Avenue

Garden City, New York 11530

BY: JOSHUA BELDNER, ESQ.

NEW YORK CITY LAW DEPARTMENT

OFFICE OF THE CORPORATION COUNSEL

Attorneys for Defendant

100 Church Street

New York, New York 10007

BY: SEAN RENAGHAN, ESQ.

1 Garcia

2 A. Basically yes.

3 Q. Are you currently employed?

4 A. Yes.

5 Q. Whom are you employed by?

6 A. By the New York City Department
7 of Education. I work as an Administrative
8 Educator. And I'm the Director for Student
9 Services for ESL and Assessment at what
10 they -- at a network.

11 The Department of Education has
12 sourced out basically, up to recently, the
13 support services for the schools. So
14 therefore, instead of having districts, like
15 here in Garden City, they have networks that
16 work along with the Superintendent to provide
17 support to the schools.

18 Q. The particular network that you
19 work at right now, is it called something?

20 A. Yes. It is CEIPEACFN 535.

21 Q. Your position you said is
22 Director of Student Services?

23 A. Yeah, for English As A Second
24 Language and Assessments.

25 We serve 38 schools between

1 Garcia

2 Brooklyn and Queens.

3 Q. How long have you held the
4 position of Director of Student Services for
5 ESL and Assessments at -- I'm going to phrase
6 it as this network?

7 A. I started in January of 2013.

8 Q. Have you held that position
9 continuously from January 2013 to now?

10 A. Yes.

11 Q. Prior to January of 2013, where
12 did you work?

13 A. I worked at A. Philip Randolph
14 High School.

15 Q. That is a high school that is in
16 Harlem?

17 A. West Harlem.

18 Q. How long did you work at A.
19 Philip Randolph?

20 A. I would say, rounding it, close
21 to five years.

22 I started in August of 2008. And
23 I worked there until January 2013.

24 Q. Had you worked at A. Philip
25 Randolph prior to August 2008?

1 Garcia

2 A. No.

3 Q. Prior to August 2008, where did
4 you work?

5 A. I worked at a middle school.

6 Q. Where?

7 A. In Harlem, West Harlem.

8 Q. What position did you hold at
9 that middle school?

10 A. I was the Bilingual Coordinator.

11 Q. How long did you work at that
12 middle school?

13 A. I worked there from 2001 or 2002.
14 I'm trying to remember.

15 Q. You can estimate.

16 A. I believe it was 2002 I started
17 working there. September 2002 until August
18 2008.

19 Q. Most of my questions today will
20 focus on the period of time that you worked at
21 A. Philip Randolph from August 2008 to January
22 '13. Okay?

23 A. Yes.

24 Q. At Randolph what position did you
25 hold at the time that you left?

1 Garcia

2 A. I was the Assistant Principal for
3 Security. That is how I was initially hired
4 for, and Foreign Language.

5 Then I acquired to be the -- also
6 the supervisor for one of the academies within
7 the school -- the school was divided by
8 academies -- which was the Engineering
9 Academy.

10 Q. How many students were there at
11 the time you left Randolph?

12 A. I would say approximately 1400.

13 Q. You mentioned you were AP for
14 Security and Foreign Language and also
15 Supervisor for the Engineering Academy.

16 When you were initially hired in
17 2008, were you hired into the AP for Security
18 role?

19 A. Yes.

20 Q. Prior to August 2008, had you
21 ever been an Assistant Principal before?

22 A. No. That was my first position
23 as an Assistant Principal officially.

24 Q. At the time that you left in
25 January 2013, the Principal of the school, was

1 Garcia

2 knowledge, those were all African American
3 individuals?

4 A. Some of them are mixed. To my
5 understanding, some of them are from the
6 islands, just like I am.

7 Originally, I mean, I was born in
8 New York. But my parents are from the
9 islands.

10 Q. Who of those individuals are from
11 the islands?

12 A. I don't remember offhand right
13 now which one of them.

14 Q. They are all black, though?

15 A. I'm black.

16 Q. Well, you just mentioned -- you
17 are from -- where were you born?

18 A. I was born in New York City.

19 Q. Your parents were born?

20 A. Dominican Republic.

21 Q. Do you identify yourself as
22 Dominican?

23 A. I would say Dominican descent.

24 Q. Dominican American?

25 A. Yes.

```
1           Garcia
2  is a professional environment.  I address
3  people by their last name.
```

4	Q.	Like Miss Bastian?
---	----	--------------------

5 A. Yes.

6 Q. You wouldn't call her Melissa?

7	A.	No.
---	----	-----

8 Q. Do you recall a day years ago
9 when you came to school wearing an Afro wig
10 with a pick in it?

11 A. You say a day, right?

12 I recall half of my story. I
13 recall for Halloween, I believe it was 2012.
14 Yes. It was the last Halloween I was there,
15 dressing up as a hippie, putting a wig on.

16 You said there was also
17 something?

18 Q. A pick?

19 A. Like a comb, pick.

20 I don't remember putting a comb
21 pick. And I didn't come dressed that way. I
22 dressed actually in the afternoon.

23 Because that day we had a party
24 for the students in the school. I promised
25 them that I was going to dress up for the

1	Garcia
---	--------

2 party. I was chaperoning for the party.

3 Q. Do you recall Miss Bastian saying
4 anything to you that day --

5	A.	No.
---	----	-----

6 Q. -- about your manner of
7 appearance?

8	A.	No.
---	----	-----

9 Q. Do you recall anyone, whether
10 Mr. Fanning or any other administrator,
11 approaching you about your appearance that
12 day?

13	A.	No.
----	----	-----

14 They were in shock, because I was
15 always dressed with a suit and tie. So to see
16 me dress down, with the glasses, the -- I got
17 a peace chain, and the bell bottom pants, the
18 shirt, and then the leather -- it was shocking
19 for them to see me dress down that way.

20 Q. Did any other administrators that
21 day dress down or dress up like you did?

22 A. No. I don't remember. I'm not
23 saying they did not. I don't remember.

24 Q. At some point do you recall Miss
25 Bastian complaining that you were playing your

A C K N O W L E D G M E N T

STATE OF NEW YORK)
 :SS
COUNTY OF NASSAU)

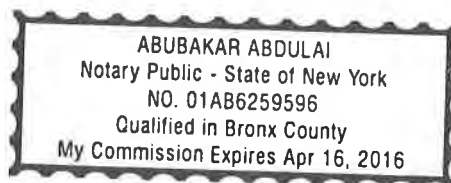
I, GILBERTO GARCIA, hereby certify
that I have read the transcript of my
testimony taken under oath in my deposition of
September 3, 2014; that the transcript is a
true, complete and correct record of my
testimony, and that the answers on the record
as given by me are true and correct.

Gilberto Garcia 12/29/2014

GILBERTO GARCIA

Signed and subscribed to before
me, this 29th day
of December, 2014.

Abubakar Abdulai
Notary Public, State of New York



12-29-14

C E R T I F I C A T E

STATE OF NEW YORK)
) ss.:
COUNTY OF NASSAU)

I, FLORENCE SYSKROT, a Notary
Public within and for the State of New
York, do hereby certify:

That GILBERTO GARCIA, the witness
whose deposition is hereinbefore set
forth, was duly sworn by me and that
such deposition is a true record of the
testimony given by such witness.

I further certify that I am not
related to any of the parties to this
action by blood or marriage; and that I am
in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 11th day of
September, 2014.

Florence Syskrot

FLORENCE SYSKROT

C E R T I F I C A T E

STATE OF NEW YORK)
) ss.:
COUNTY OF NASSAU)

I, FLORENCE SYSKROT, a Notary
Public within and for the State of New
York, do hereby certify:

That GILBERTO GARCIA, the witness
whose deposition is hereinbefore set
forth, was duly sworn by me and that
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Florence Syskrot

FLORENCE SYSKROT

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